

104TH CONGRESS
2D SESSION

H. R. 3695

To prohibit insurers from including provisions in health plans and contracts with health care providers to indemnify the insurer against any liability.

IN THE HOUSE OF REPRESENTATIVES

JUNE 20, 1996

Mr. NADLER introduced the following bill; which was referred to the
Committee on Commerce

A BILL

To prohibit insurers from including provisions in health plans and contracts with health care providers to indemnify the insurer against any liability.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Health Care Account-
5 ability Act of 1996”.

6 **SEC. 2. PROHIBITION OF HOLD HARMLESS AGREEMENTS.**

7 A health plan, or a contract between an insurer and
8 a health care provider, may not include provisions holding
9 the health plan harmless from liability in any civil action

1 arising out of medical care provided or withheld under the
2 plan.

3 **SEC. 3. DEFINITIONS.**

4 For purposes of this Act:

5 (1) INSURER.—The term “insurer” means an
6 insurance company, insurance service, or insurance
7 organization licensed to engage in the business of in-
8 surance in a State, and a health maintenance orga-
9 nization.

10 (2) HEALTH CARE PROVIDER.—The term
11 “health care provider” means a provider of services
12 (as defined in section 1861(u) of the Social Security
13 Act (42 U.S.C. 1395u)), a physician, a supplier, or
14 any other person furnishing health care, including a
15 Federal or State program that provides directly for
16 the provision of health care to beneficiaries.”.

17 (3) HEALTH INSURANCE COVERAGE.—The term
18 “health insurance coverage” means any hospital or
19 medical service policy or certificate, hospital or medi-
20 cal service plan contract, or health maintenance or-
21 ganization contract offered by an insurer.

22 (4) HEALTH PLAN.—The term “health plan”
23 means a plan that provides health insurance cov-
24 erage.

1 (5) STATE.—The term “State” means each of
2 the 50 States, the District of Columbia, Puerto Rico,
3 the Northern Mariana Islands, the Virgin Islands,
4 American Samoa, and Guam.

○